

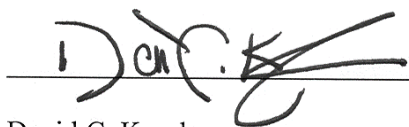
v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 F. App’x 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

To the extent Plaintiff contends the Amended Counterclaim is deficient, this Order is without prejudice to Plaintiff filing a renewed motion to dismiss the Amended Counterclaim, as appropriate.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Motion To Dismiss Defendant’s Counterclaim” (Document No. 8) is **DENIED as moot**.

SO ORDERED.

Signed: September 7, 2022



David C. Keesler
United States Magistrate Judge

